

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Jan 15, 2021**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEREMY JOHN GILBERT,

Defendant.

NO: 2:20-CR-154-RMP-1

PRETRIAL ORDER

Defendant, Jeremy John Gilbert, who is in custody, was arraigned on January 14, 2021, before Magistrate Judge John T. Rodgers and is bound over to this Court for trial. This Order is entered to set forth deadlines, hearings, and requirements that the parties will observe in this matter. Accordingly, **IT IS HEREBY ORDERED:**

**1.** Trial is set for **March 15, 2021**, at **8:45 a.m.** commencing with a final pretrial conference at **8:30 a.m.** All hearings shall take place in **Spokane**, Washington.

1           **2.** A pretrial conference is set for **March 2, 2021**, at **11:00 a.m. via video**  
2 **conference.** *Case participants will be provided with separate call-in details by*  
3 *private email from the Court's staff to use for this video conference.* Non-parties  
4 may call the Court's public conference line of **1-888-363-4749, Access code**  
5 **4939688 #** (no security code required), five minutes before the scheduled conference  
6 time. Parties on the phone **MUST MUTE THEIR PHONES** and **NO RECORDING**  
7 **OR REBROADCASTING IS PERMITTED.**

8           **3.** Counsel for defense shall notify Defendant of all hearings and ensure his  
9 attendance at court.

10           **4.** Pursuant to LCrR 16(a)(6), at arraignment or within 14 days thereafter, the  
11 Government is required to disclose evidence favorable to the defendant and material  
12 to the defendant's guilt or punishment to which defendant is entitled pursuant to  
13 *Brady v. Maryland*, 373 U.S. 83 (1963) and *United States v. Agurs*, 427 U.S. 97  
14 (1976). This is a continuing duty for newly discovered evidence. LCrR  
15 16(c). Pursuant to F. R. Crim. P. 16(d)(2), failure to comply may result in an order  
16 permitting the discovery or inspection; granting a continuance; or any other order  
17 that is just under the circumstances (including sanctions, dismissal, exclusion of  
18 evidence or witnesses, and adverse jury instructions). Therefore, by **January 28,**  
19 **2021**, counsel shall meet to discuss the scope and timeline for all discovery  
20 disclosures and file a discovery status report within three days of the meeting.  
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1           **5.** Any pretrial motions, including all motions in limine, shall be filed and  
2 served on or before **February 9, 2021**; responses are due by **February 16, 2021**;  
3 and replies are due by **February 23, 2021**. Counsel shall note their pretrial motions  
4 to be heard at the pretrial conference on **March 2, 2021**.

5           **6.** Motions to Expedite, if any, shall be filed separately and noted for hearing  
6 two (2) days from the date of filing, after informing opposing counsel of such.

7           **7.** Trial briefs, requested voir dire, joint proposed jury instructions, and a  
8 **table of proposed Jury Instructions** shall be filed and served on or before  
9 **March 5, 2021**.

10           (a) The joint proposed Jury Instructions should address only issues that are  
11 unique to this case and shall include instructions regarding the elements of  
12 each count, any necessary definitions, and a proposed verdict form.

13           (b) The parties shall provide the Court electronically with the table of  
14 proposed, cited Jury Instructions. This table shall include:

15                   (i) The instructions on which the parties agree;

16                   (ii) The instructions that are disputed; and

17                   (iii) The basis of any objection.

18                   (iv) The Jury Instruction Table shall be substantially in the following  
19 form:

Proposed by	Instruction #	9th Cir. Cite	Objection	Response to objection
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1 (c) In addition to the jury instruction table, each party shall address any  
2 objections that they have to instructions proposed by any other party in a  
3 memorandum on or before **March 5, 2021**. The parties shall identify the  
4 specific portion of any proposed instruction to which they object, supported  
5 by legal authority that supports the objection. Failure to file an objection to  
6 any instruction may be construed as consent to the adoption of an instruction  
7 proposed by another party.

8 **8.** Exhibit lists and witness lists shall be filed on or before **March 8, 2021**.  
9 Plaintiff's trial exhibits, if any, are to be numbered 1 through 199; Defendant's  
10 exhibits, if any, are to be numbered 200 and following;

11 **9.** The following procedures shall be utilized at trial:

12 (a) The Court will conduct the majority of jury voir dire but allow counsel  
13 15 minutes to ask additional questions or to do more in depth exploration of  
14 issues raised by the Court;

15 (b) A total of 13 jurors will be selected. Plaintiff shall have 6 peremptory  
16 challenges, Defendant shall have 10 peremptory challenges, and each party  
17 shall have one challenge for the alternate juror. The challenges shall be  
18 exercised alternately;

19 (c) Regular trial hours shall be from 8:45 a.m. to 12:00 noon, and 1:30 to  
20 4:30 p.m.;

1 (d) The jurors will be provided with notebooks for note-taking and a copy of  
2 preliminary instructions;

3 (e) Documents published to the jury by counsel shall be collected at the  
4 conclusion of trial each day or following a witness's testimony regarding the  
5 published document;

6 (f) A single photograph shall be taken of all witnesses following their  
7 testimony for use by the jury to correlate a witness with the testimony he or  
8 she provided. The photographs shall be maintained in a three-ring binder by  
9 the Court. The photograph will have the witness's name on it and the date of  
10 the witness's testimony. The photographs will be provided to the jury to assist  
11 them during deliberations. Following deliberations, the photographs will be  
12 destroyed by the Court and will not be a part of the record;

13 (g) Examination of witnesses shall be limited to direct, cross, redirect and  
14 recross. Fed. R. Evid. 611(a);

15 (h) Counsel are encouraged to limit requests for sidebars by anticipating  
16 legal and evidentiary issues so that the issues may be addressed before trial  
17 begins each day, during the lunch hour, or after trial hours;

18 (i) During trial, counsel are encouraged to exchange lists of the next day's  
19 witnesses and exhibits so that objections or legal issues may be anticipated  
20 and resolved outside the normal trial hours;

1 (j) Counsel shall have the next witness to be called to testify available  
2 outside the courtroom, to avoid delay; and

3 (k) An attorney's room for Plaintiff and for Defendant is available.

4 Counsel may check out keys from the Deputy Clerk for use during days of  
5 trial.

6 **IT IS SO ORDERED.** The District Court Clerk is directed to file this Order  
7 and provide copies to counsel.

8 **DATED** this January 15, 2021.

9 *s/ Rosanna Malouf Peterson*  
10 ROSANNA MALOUF PETERSON  
11 United States District Judge  
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